

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

AMY BOYD,

Debtor.

No. 19-41010

OBJECTION TO EXEMPTIONS

Kathryn A. Ellis, the Chapter 7 Trustee herein, hereby objects to the exemptions of the debtor as described below:

1. To the extent that the debtor is attempting to claim an exemption in excess of the value permitted by federal or state law, the Trustee objects to the assertion of such an exemption, including but not limited to the debtor's claim of exemption in the real property located at 19623 139th St E, Bonney Lake, WA pursuant to RCW 6.13.010, 6.13.020 and/or 6.13.030 in the amount of \$125,000.00 as, pursuant to RCW 6.13.030, the debtor's exemption, if any, is limited to the lesser of "the total net value...as described in RCW 6.13.010...or...the sum of [\$125,000.00]" and on the date of filing, the "net value" of the property, as that term is defined in RCW 6.13.010, was no more than \$100,000.00¹;

2. To the extent that the debtor is attempting to claim an exemption for property for which no exemption is permitted under federal or state law, the Trustee objects to the assertion of such an exemption, including but not limited to the debtor's claim of exemption in the real

¹	Schedule A Value:	\$490,000.00
	Less Schedule D Liens:	<u>\$390,000.00</u>
	Net Value:	\$100,000.00

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1 property located at 19623 139th St E, Bonney Lake, WA pursuant to RCW 6.13.010, 6.13.020
2 and/or 6.13.030 as, pursuant to RCW 6.13.010 (1), the debtor, at the time of filing², was required
3 to occupy³ the property as her residence (unless, pre-petition, she had recorded a Declaration of
4 Non-Abandonment pursuant to RCW 6.13.050, which she had not), or the debtor must “intend”⁴
5 to use the property as the “principal home for the [debtor]” and record a Declaration of
6 Homestead pre-petition;
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8 3. To the extent that the debtor does not describe an asset or other item of property
9 for which an exemption is claimed with particularity, the Trustee objects to the assertion of such
10 an exemption;
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12 4. To the extent that the actual value of an asset exceeds the valuation of the asset by
13 the debtor, the Trustee objects to the claim of any exemption; and

14 5. To the extent that the debtor has not provided information and/or documentation
15 to the Trustee and/or have failed to cooperate with the Trustee regarding the investigation of her
16 financial affairs and/or concealed any property, the Trustee objects to any claims of exemption
17 by the debtor.
18

19 The Trustee is objecting, in part, to preserve her rights to object pending receipt of more
20 information about the debtor’s assets. The Trustee reserves the right to assert any other basis for
21 her objection or otherwise amend this objection as she may determine to be appropriate at a later
22

23 ² Based on the snap shot rule, bankruptcy exemptions are fixed at the time of filing. *Wilson vs.*
24 *Rigby*, 909 F.3d 306, 308 (9th Cir. 2018). As such, the debtor’s Homestead Declaration (Docket
25 No. 25, pages 3-4), which she recorded with the Pierce County Auditor on June 14, 2019, post-
26 petition, is ineffective in this bankruptcy case.

27 ³ According to Docket No. 1, page 2, the debtor’s residence at the time of filing was 11113 185th
28 Ave E, Bonney Lake, WA, not the property at issue.

⁴ According to Docket No. 2, page 4 (filed the same day as the Bankruptcy Petition), the debtor
intended to surrender the property to the lienholder, not for the property to be her residence.

1 date.

2 DATED this 31st day of July, 2019.

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4 By: /s/ Kathryn A. Ellis
Kathryn A. Ellis, Trustee

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